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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,624	12/29/2005	Eckhard Plaatje	1703 1362US	9293
29894	7590	07/13/2007		
DREISS, FUHLENDORF, STEIMLE & BECKER			EXAMINER	
POSTFACH 10 37 62				HOEY, ALISSA L
D-70032 STUTTGART,			ART UNIT	PAPER NUMBER
GERMANY				3765
			MAIL DATE	DELIVERY MODE
			07/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/532,624	PLAATJE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alissa L. Hoey	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 April 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 9-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 9-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/25/05.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 04/25/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

3. Claim 16 is objected to because of the following informalities: there is no antecedent basis from claim 9 for "the sleeves" or any other reference the user's hands. Appropriate correction is required.
4. Claim 18 is objected to because of the following informalities: there is no antecedent basis for "the sleeves". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 9, 11-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Griesbach et al. (US 5,901,706).

In regard to claim 9, Griesbach teaches a disposable piece of clothing, suitable for medical, chemical or biotechnological use to protect a person wearing the clothing from liquids or microorganisms, the clothing comprising: at least one air-permeable outer layer having a non-woven laminated material made from spunbond and meltblown layers ; and a liquid-impermeable barrier layer connected, at least in sections, to regions of a side of said outer layer facing the person, wherein said liquid-impermeable barrier layer comprises an air permeable, non-woven sheet of laminated material (column 5, lines 7-20).

In regard to claim 11, Griesbach teaches the disposable piece of clothing of claim 9, wherein said outer layer comprises a spunbond/meltblown/spunbond (SMS), a spunbond/meltblown (SM), or a spunbond/meltblown/ meltblown/spunbond (SMMS) laminated material (column 5, lines 30-50).

In regard to claim 12, Griesbach teaches the disposable piece of clothing of claim 9, wherein said barrier layer comprises a polyethylene sheet filled with an organic and/or inorganic filler and is mechanically finished to produce microporosity (column 8, lines 37-67).

In regard to claim 13, Griesbach teaches the disposable piece of clothing of claim 12, wherein said filler comprises calcium carbonate (column 8, lines 60-67).

In regard to claim 14, Griesbach teaches the disposable piece of clothing of claim 9, wherein said barrier layer is connected to said outer layer in a material-bonding

fashion (column 9, lines 6-17).

In regard to claim 15, Griesbach teaches the disposable piece of clothing of claim 14, wherein said material-bonding comprises glue or welding connections (column 9, lines 6-40).

In regard to claim 17, Griesbach teaches the disposable piece of clothing of claim 9, wherein regions of said outer layer are made from a non-woven material of spunbond and meltblown layers (column 5, lines 30-50).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10, 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesbach in view of Krewinski (US 3,868,728).

Griesbach teaches a disposable clothing article as described above. However, Griesbach fails to teach the clothing article being in the form of a garment with sleeves.

In regard to claim 10, Krewinski teaches the disposable piece of clothing of claim 9, wherein the clothing comprises a front part and integrally connected sleeves (figures 1 and 2).

In regard to claim 16, Krewinski teaches the disposable piece of clothing of claim 9, wherein said barrier layer is disposed proximate said sleeves or proximate lower

sleeve ends in a region of the persons' hands to beyond the persons' elbows and/or in a breast region of the person, wherein said barrier layer extends in the breast region beyond the persons knees (see front section 58).

In regard to claim 18, Krewinski teaches the disposable piece of clothing of claim 17, wherein regions of the sleeves are formed by an other material (see figure 1 and 2, sections 53 and 54).

In regard to claim 19, Krewinski teaches the disposable piece of clothing of claim 18, where said other material is a non-woven sheet of laminated material (column 3, lines 30-57).

In regard to claim 20, Krewinski teaches the disposable piece of clothing of claim 10, wherein said sleeves are Raglan sleeves (see figures 1 and 2).

In regard to claim 21, Krewinski teaches the disposable piece of clothing of claim 9, wherein seams in the clothing are folded-over seams or overlapping seams (see figures 4, identifier 64).

It would have been obvious to have provided the disposable clothing material of Griesbach with the surgical gown clothing article of Krewinski, since the disposable clothing article of Greisbach provided in a surgeons gown, in which the front section is made from the layered material construction of Greisbach, would provide a garment that protects a surgeon from liquids penetrating through to their underclothes. The major advantage would be that the absorptive outer layer would absorb the blood or liquid matter and the barrier layer would be breathable while preventing liquids from soaking through.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and can be found cited in PTO-892 form submitted herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALH



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